



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No. 37794-0003**

In re patent application of:

Confirmation No.: 1994

Peter Law

Application No.: 09/005,034

Group Art Unit: 1654

Filed: January 9, 1998

Examiner: B. Brumback

For: MYOBLAST THERAPY FOR MAMMALIAN DISEASE

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Box: Petitions

Attn: Cynthia Nessler, Legal Advisor, Office of Legal Administration

Sir:

Applicants filed a change of correspondence address in the USPTO in connection with the above application on February 6, 2002. Thereafter, applicant received a notice of allowance in this application, which was correctly mailed to Heller Ehrman on March 6, 2003. Applicant then paid this issue fee in the above-identified case on June 3, 2003.

Applicant did not receive any further communication from the USPTO, and was awaiting the issue notification of patent grant. During a status inquiry of the USPTO in early April 2004, applicant's attorney was advised that the USPTO had held this application to be abandoned. Applicant's attorney also was advised that on September 30, 2003, a Notice to File Corrected Application Papers was mailed from the USPTO to the wrong correspondence address. Receiving no reply to this Notice, the USPTO issued a Notice of Abandonment on November 4, 2003, and also mailed this notice to the wrong correspondence address.

Applicant hereby petitions the USPTO to accept the attached Response to the Notice to File Corrected Application Papers, and to withdraw the holding of abandonment.

Applicants have not submitted a fee as this Petition was necessitated by an error by the USPTO. However, should fees be necessary in connection with the filing of this paper, the Commissioner is hereby authorized to charge Deposit Account No. 08-1641 for any such fees.

Attached are documents as follows:

- (1) A true copy of the change of address filed on February 6, 2002.
- (2) A true copy of the Notice of Allowance addressed to Heller Ehrman dated March 6, 2003.
- (3) A true copy of the Notice to File Corrected Application Papers mailed on September 30, 2003 to the incorrect mailing address.
- (4) The Declaration of Bonita Huber stating (i) that she reviewed the incoming mail log at Heller Ehrman from September 30, 2003 through November 10, 2003 and (ii) that Heller Ehrman did not receive the Notice to File Corrected Application Papers or the Notice of Abandonment from the USPTO or the addressee.
- (5) A true copy of the November 4, 2003 Notice of Abandonment that was also mailed to the incorrect mailing address.

Inventor(s): Peter Law.

Attorney Docket No. 37794-0003

It is requested that prompt and favorable action be taken on this petition, and that the USPTO promptly notify the undersigned attorney of record of the status of this application.

Respectfully submitted,

Date: June 2, 2004

HELLER EHRMAN WHITE & MCAULIFFE  
1666 K Street, NW, Suite 300  
Washington, D.C. 20006  
Phone: (202) 912-2000  
Fax: (202) 912-2020

By 

Colin G. Sandercock  
Attorney for Applicant  
Reg. No.: 31,298

Customer No. 26633



JUN 4 2004  
TECH CENTER 1600/2800

Heller Ehrman White & McAuliffe  
1666 K Street, N.W., Suite 300  
Washington, D.C. 20006

Date: February 6, 2002

Docket No.: 37794-0003

The "Received" stamp of the U.S. Patent & Trademark Office hereon acknowledges receipt of the following documents:

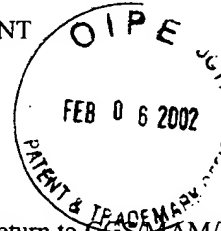
Applicant: Peter K. LAW

Application Serial No.: 09/005,034

Filed: January 9, 1998

Title: MYOBLAST THERAPY FOR COSMETIC TREATMENT

1. Transmittal Form
2. Change of Address



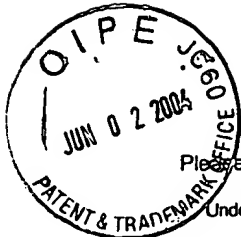
File in Mail Room

Date Due:

Insp. By: \_\_\_\_\_

Return to CGS/MAM/RC/tyb

RC ✓



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/005,034	
	<b>Filing Date</b>	January 9, 1998	
	<b>First Named Inventor</b>	Peter K. LAW	
	<b>Group Art Unit</b>	1642	
	<b>Examiner Name</b>	B. Brumback	
<b>Total Number of Pages in This Submission</b>	2	<b>Attorney Docket Number</b>	37794-0003

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>CHANGE OF ADDRESS</b>
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Colin G. Sandercock, Reg. No. 31,298
Signature	<i>Man Motarlock Reg 36,614</i>
Date	February 6, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 37794-0003

In re patent application of  
LAW, Peter K.

Serial No.: 09/005,034

Group Art Unit: 1642

Filed: January 9, 1998

Examiner: B. Brumback

For: MYOBLAST THERAPY FOR COSMETIC TREATMENT

CHANGE OF ADDRESS

Director of Patents  
Washington, D.C. 20231

Sir:

Applicant respectfully requests that the official correspondence address for the above captioned application be changed to Colin G. Sandercock and the attorneys of Heller Ehrman White & McAuliffe LLP, located at 1666 K Street, N.W., Suite 300, Washington, D.C. 20006. Please direct all written communications to Colin G. Sandercock at the above mentioned address, and direct all telephone communications to (202) 912-2000.

Respectfully submitted,

February 6, 2002

Date

*Man Motarbo* 36,614  
Colin G. Sandercock  
Registration No. 31,298

Heller Ehrman White & McAuliffe LLP  
1666 K Street, N.W.  
Suite 300  
Washington, D.C. 20006  
Telephone: (202) 912-2000  
Facsimile: (202) 912-2020



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

JUN 4 2004  
TECH CENTER 16002303

## NOTICE OF ALLOWANCE AND FEE(S) DUE

26633 7590 03/06/2003

HELLER EHRMAN WHITE & MCAULIFFE LLP  
1666 K STREET, NW  
SUITE 300  
WASHINGTON, DC 20006



EXAMINER

BRUMBACK, BRENDA G

ART UNIT

CLASS-SUBCLASS

1654

424-199100

DATE MAILED: 03/06/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/005,034	01/09/1998	PETER K. LAW	038007/0111	1994

TITLE OF INVENTION: MYOBLAST THERAPY FOR MAMMALIAN DISEASES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$0	\$650	06/06/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

JUN 4 2004  
PC-A 65N 160025

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/005,034	01/09/1998	PETER K. LAW	038007/0111	1994

26633 7590 03/06/2003

HELLER EHRMAN WHITE & MCAULIFFE LLP  
1666 K STREET,NW  
SUITE 300  
WASHINGTON, DC 20006  
UNITED STATES



EXAMINER

BRUMBACK, BRENDA G

ART UNIT PAPER NUMBER

1654

DATE MAILED: 03/06/2003

**Determination of Patent Term Extension under 35 U.S.C. 154 (b)**  
(application filed after June 7, 1995 but prior to May 29, 2000)

The patent term extension is 906 days. Any patent to issue from the above identified application will include an indication of the 906 day extension on the front page.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

JUN 4 2004  
TECH-CENTER 16002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/005,034

01/09/1998

PETER K. LAW

038007/0111

1994

26633

7590

03/06/2003

HELLER EHRMAN WHITE & MCAULIFFE LLP  
1666 K STREET,NW  
SUITE 300  
WASHINGTON, DC 20006  
UNITED STATES



EXAMINER

BRUMBACK, BRENDA G

ART UNIT

PAPER NUMBER

1654

DATE MAILED: 03/06/2003

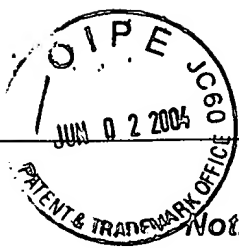
**Notice of Fee Increase on January 1, 2003**

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: <http://www.uspto.gov/main/howtofees.htm>.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# Notice of Allowability

Application No.

09/005,034

Examiner

Brenda G. Brumback

Applicant(s)

LAW, PETER K.

Art Unit

1654

JUN 4 2004  
RECEIVED

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication of 08/28/02.
2. ☒ The allowed claim(s) is/are 20-25 and 27-32 renumbered as 1-12.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☒ to Paper No. 6.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                    |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other   |

*Brenda Brumback*  
**BRENDA BRUMBACK**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1600**



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE



JUN 4 2004  
TECH CENTER 1600/2000

FEB 20 2003

Commissioner for Patents  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

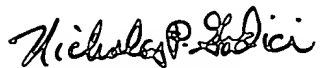
Dear Patent Business Customer:

The United States Patent and Trademark Office ("Office") is now permitting and encouraging applicants to voluntarily submit amendments in a revised format as set forth in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, \_\_\_\_ *Off. Gaz. Pat. Office* \_\_\_\_ (February 25, 2003), currently available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/revamdtprac.htm>. The revised format permits amendments to the specification and claims to be made in a single marked-up version; the requirement for a clean version is eliminated. Attached, you will find a flyer with information and instructions regarding the procedures to be used to comply with the revised format. The flyers are being inserted with out-going Office actions mailed during the period of February 20, 2003 - March 31, 2003.

The revised amendment format is essentially the same as the amendment format for the specification, claims, and drawings that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. This proposed revision and others necessary to facilitate a gradual transition to the use of an Electronic File Wrapper (EFW) will be set forth in a Notice of Proposed Rule making (NPR), expected to be published by March 2003. After consideration of public comments, the Office anticipates adopting a revision to § 1.121, following publication of a Notice of Final Rule making (NFR), expected by June 2003, at which point compliance with revised § 1.121 will be mandatory.

The Office will continue to accept your amendment submissions in the revised format during the voluntary period, which will extend up to the effective date of final revisions to § 1.121. The Office also encourages your feedback on the proposed revised amendment format and other changes set forth in the NPR, expected to be published by March 2003.

For assistance: Any questions regarding the submission of amendments pursuant to the revised practice should be directed to Office of Patent Legal Administration (OPLA), Legal Advisors Elizabeth Dougherty ([Elizabeth.Dougherty@uspto.gov](mailto:Elizabeth.Dougherty@uspto.gov)), Gena Jones ([Eugenia.Jones@uspto.gov](mailto:Eugenia.Jones@uspto.gov)) or Joe Narcavage ([Joseph.Narcavage@uspto.gov](mailto:Joseph.Narcavage@uspto.gov)). Alternately, you may send e-mail to "Patent Practice", the OPLA e-mail address that has been established for receiving queries and questions about patent practice and procedures or telephone OPLA at (703) 305-1616.

  
Nicholas P. Godici  
Commissioner for Patents

Attachment: Flyer entitled: *Revised Notice\* AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT*



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

FOLEY & LARDNER  
SUITE 500  
300 K STREET, NW  
WASHINGTON, DC 20007-5109

Serial No. : 09/005034  
Applicant : LAW  
Filing Date : 01/09/98  
Date Mailed : 09/24/03  
30

**NOTICE TO FILE CORRECTED APPLICATION PAPERS***Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- Illegible text on pages 7,8,12,15,17,18,19,20,22,24,26,27,28,29,30,31, and 33.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

***A copy of this notice MUST be returned with the reply. Please  
address response to "Rori Burch 2231 CRYSTAL DRIVE  
SUITE 918 ARLINGTON, VA 22202"***

Name : Patricia Small  
Data Query  
Phone 703-305-8390  
Fax 703-308-5642



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22311-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/005,034	01/09/1998	PETER K. LAW	038007/0111	1994
7500 11/04/2003				
FOLBY & LARDNER				
SUITE 500				
1000 K ST N W				
WASHINGTON, DC 20007-5109				
EXAMINER				
HUTCHINSON, GERMANY				
ART UNIT				
PAGE NUMBER				

DATE MAILED: 11/04/2003

34

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

## Notice of Abandonment

Application No.

09/06/034

Applicant(s)

Peter H. Law

Examiner

Brenda Baumbach

Art Unit

1654

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09/30/03.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 C.F.R. 1.113(e) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.86(e) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-86).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-86).
  - (b) ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$ \_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:  
 Pages can't be read, pages 7, 8, 12, 15, 17, 18, 19, 20, 22, 24, 26, 27, 28, 29, 30, 32, and 33.

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.